

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-16 and 18 are pending in this application, claim 17 having been cancelled by the present amendment without prejudice to the subject matter contained therein.

Examiner Interview

Initially, Applicants wish to thank the Examiner for the courtesies extended to Applicants' representative during the telephonic interview of July 7, 2010. The parties discussed the Examiners response to Applicant's arguments as regarding points (d) and (e) in the Examiners' Response to Arguments section of the current office action. The parties discussed potential amendments to claim 1 to overcome the § 101 and §102 rejections. Applicants have amended claim 1 consistent with the discussion.

Rejections under 35 U.S.C. § 112

Claim 17 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Applicants have cancelled claim 17 rendering this rejection moot.

The Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection to claims 17 under 35 U.S.C. § 112.

Rejections under 35 U.S.C. § 101

Claims 1-18 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants respectfully traverse this rejection for the reasons detailed below.

As the Examiner is likely aware, the Court of Appeals for the Federal Circuit (CAFC) issued a decision in *In re Bilski* which addresses the test for patent-eligible processes within the meaning of 35 U.S.C. § 101. The decision in *Bilski* re-affirmed the tests set forth by the Supreme Court in *Diamond v. Diehr*, 450 U.S. 175 (1981). Namely, the CAFC in *Bilski* stated that "[a] claimed process is surely patent-eligible under § 101 if:

- (1) it is tied to a particular machine or apparatus, or
- (2) it transforms a particular article into a different state or thing.

Bilski at 10.

Claim 1 recites:

A method for a clinical study, in which an occurrence of an event during the study elicits collaboration between responsible study personnel, the collaboration being an exchange of at least one of opinions, agreements, knowledge and findings, the exchange being at least one of written, verbal and electronic, the method comprising:

receiving the event at a collaboration system, *the collaboration system being at least one of an electronic data processing system and a communications system*;

identifying, via the collaboration system and on the basis of parameters assigned to the event, a group of responsible study personnel needed for the collaboration;

providing, via the collaboration system, a communications platform for the group to undertake the collaboration; and

checking, via the collaboration system, the collaboration on the basis of verification criteria.

As the Examiner will appreciate, claim 1 is indeed tied to a particular machine or apparatus namely *“the collaboration system being at least one of an electronic data processing system and a communications system.”* Therefore, the method of claim 1 is statutory subject matter eligible. Claims 2-16 are statutory at least for being dependent upon a statutory base claim.

The Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection to claims 1-18 under 35 U.S.C. § 101.

Rejections under 35 U.S.C. § 102

Claims 1, 2, 4, 5, 7-9, 13, 15, 16, 17 and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent Publication No. 2002/0154010 A1 to Tu et al. (“Tu”). Applicants respectfully traverse this rejection for the reasons detailed below.

The Examiner asserts that the message bus shown in Tu FIG. 1 discloses “providing, via the collaboration system, a communications platform for the group to undertake the collaboration,” as recited in claim 1. Applicants respectfully disagree.

Paragraph [0060] teaches that the adapter 102 may be connected directly to various components that enable event detection and notification, a **message bus** is preferred, since this facilitates and simplifies the addition and removal of components. The message bus may also connects entities both internal and associated with the business to enable event detection and notification.

Tu does not teach or fairly suggest “providing, via the collaboration system, a communications platform for the group to undertake the

collaboration,” where “the **collaboration** being an exchange of at least one of opinions, agreements, knowledge and findings, the exchange being at least one of written, verbal and electronic,” as required by claim 1. By contrast Tu teaches a system interconnecting bus to enable event **detection and notification**.

The Examiner asserts that Tu paragraph [0124] discloses “checking, via the collaboration system, the collaboration on the basis of verification criteria,” as recited in claim 1. Applicants respectfully disagree.

Paragraph [0124] of Tu describes a followed-by paired event type. A followed-by paired event type is two events where the second event follows a first event. Prior to starting the second event, a match determination is made to determine if the second event is associated with the first event. If the second event matches, the second event starts. If the second event does not match, the second event is discarded. A persist flag is set based on this match and the Examiner relies on a checking of this persist flag to teach the aforementioned feature.

Clearly, a checking of a persist flag does not teach or fairly suggest “**checking**, via the collaboration system, **the collaboration** on the basis of verification criteria,” where “the collaboration being an exchange of at least one of opinions, agreements, knowledge and findings, the exchange being at least one of written, verbal and electronic,” as required by claim 1. By contrast, Tu teaches the **monitoring of time-relevant criteria** that can lead to triggering an event.

For at least the aforementioned reasons, Tu does not teach or fairly suggest each and every limitation of claim 1. Because Tu does not teach or fairly suggest each and every limitation of claim 1, Tu does not anticipate or render claim 1 obvious. Claims 2, 4-5, 7-9, 13 and 15-16 are patentable at least by virtue of their dependency from claim 1.

The Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection to claims 1, 2, 4, 5, 7-9, 13, 15, 16 and 18 under 35 U.S.C. § 102(b).

Rejections under 35 U.S.C. § 103

Tu/Wagner/Schmidt/Horstmann

Claims 3, 12 and 14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tu in view of US Patent No. 6,092,102 to Wagner ("Wagner").

Claim 6 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tu in view of US Patent No. 6,839,678 B1 to Schmidt et al. ("Schmidt").

Claims 10-11 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tu in view of US 2005/0055241 to Horstmann ("Horstmann").

Applicants respectfully traverse these rejections in that even assuming *arguendo* that Wagner, Schmidt and/or Horstmann could be combined with Tu (which Applicants do not admit), the combination of references fails to render even claim 1 obvious because Wagner, Schmidt and Horstmann suffer from at

least the same deficiencies as Tu with respect to claim 1. Therefore, even in combination, Tu in view of Wagner, Schmidt and/or Horstmann fails to render claims 3, 6, 10-12 and 14 obvious because claims 3, 6, 10-12 and 14 depend from claim 1. Withdrawal of these rejections is requested.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

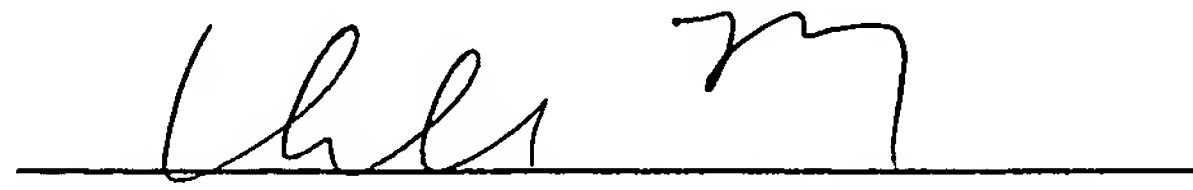
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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